

REMARKS

Claims 1, 2, 8 and 9 are pending. Claims 4-7, 10-16, 43, 51, 93-97, 103-116, and 119-121 were previously withdrawn, and claims 3, 17-42, 44-50, 52-92, 98-102, 117, and 118 canceled, in response to a Restriction Requirement. By this Amendment, claims 1, 2, 8, and 9 are amended, and no claims are canceled or added.

Claims 1, 2, 8, and 9 have been amended herein to more closely conform to customary U.S. practice. No new matter has been added.

**Information Disclosure Statements**

The Office Action indicated that each of four previously filed Information Disclosure Statements was deficient in some manner. Each deficiency identified in the Office Action is addressed below, using the same IDS dates as in the Office Action to avoid confusion.

*IDS of May 23, 2001*

Previously cited Japanese references JP10-078992 (identified in the Office Action as JP10-078922) and JP11-328271 are re-cited in a Supplemental Information Disclosure Statement (SIDS) submitted herewith. An English-language abstract accompanies each.

*IDS of June 3, 2002*

U.S. Patent Application Publication Nos. 2001/0042041 and 2001/0049658, each of which were previously cited but were listed with incomplete publication numbers on Form PTO-1449, are re-cited in the SIDS submitted herewith.

*IDS of March 11, 2003*

JP2000112978 (previously typographically corrected from JP20001129787) was originally submitted with an English-language abstract. Both the reference and the English abstract can currently be found in PAIR. For the Examiner's convenience, however, Applicant has re-cited JP2000112978 in the SIDS submitted herewith and included an additional copy of the reference and the English abstract.

The first page of WO 96/34357, which is related to JP1150455, was submitted therewith for its English-language abstract. Both JP1150455 and the first page of WO 96/34357 can currently be found in PAIR. For the Examiner's convenience, however, Applicant has re-cited JP1150455 in the SIDS submitted herewith and included an additional copy of the first page of WO 96/34357 for its English-language abstract.

The "Examiner Notes" in the Office Action indicated that translations are needed "for each of *three* on the list." (Emphasis added.) Applicant is unsure of what the third reference is (JP2000112978 and JP1150455 being the first and second, respectively) and respectfully requests clarification.

*IDS of May 18, 2006*

Previously cited reference JP64-62799 is re-cited in the SIDS submitted herewith and includes an English-language abstract.

### **Claim Objections**

Claim 2 stands objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Although not explicitly stated, the Office Action also appears to similarly object to claims 8 and 9, which depend from claim 2. Each of claims 1, 2, 8 and 9 have been amended herein. For example, amended claim 2

recites that the auction method of claim 1 further comprises a request step, in addition to the steps recited in claim 1.

Amended claim 1 recites “an auction element other than a price,” which is used in the bidding step, and amended claim 2 now recites “attribute information to identify the article or the service offered for bidding.” Applicant respectfully submits that an auction element (other than a price) used in bidding is distinct from, and therefore does not contradict, attribute information intended to identify an article or service.

Similarly, the “trade conditions” recited in each of amended claims 8 and 9 do not contradict the auction element recited in amended claim 1. Collection information as recited in the claims can include both an auction element and trade conditions.

Therefore, Applicant respectfully requests that the claim objections be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 112**

Claims 1, 2, 8, and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being generally narrative and indefinite, failing to conform with current U.S. practice. Applicant respectfully submits that the claims, as with the remainder of the application, were literally translated from the original Japanese. Claims 1, 2, 8, and 9 have been amended herein to improve consistency of claim term usage and to clarify that which the Applicant regards as the invention. Regarding "attribute information," "elements," and "trade conditions," Applicant also refers to the "Claim Objections" section above. Applicant respectfully requests that the § 112, second paragraph, rejections be withdrawn.

#### **Specification**

As noted above, the application was translated from the original Japanese. Applicant notes the Examiner’s request to correct any errors of which Applicant may become aware in the

specification, and amendments to the specification have been made herein to correct grammatical errors and other minor informalities. Regarding ¶ 0687 of the published application, which was specifically mentioned in the Office Action, Applicant notes that the amended first sentence of the paragraph provides that an element "other than the price may be limited to not include a bid conducted with the element in the form of a mere conversion of a price and substantially in the form of a mere price bid." (Emphasis added.)

### **Claim Rejections – 35 U.S.C. § 102**

Claims 1, 2, 8 and 9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,952,682 to Wellman (hereinafter "Wellman"). Insofar as the rejections apply to the amended claims, the rejections are respectfully traversed.

Amended claim 1 now recites a collection step including "providing, by a potential bidder through an auction intermediary server, reference information for locating an article or a service offered for bidding." Amended claim 1 further recites a bidding step, separate from the collection step, which includes "receiving, by the server through the network, bid information communicated by terminals of potential bidders, wherein the bid information includes a bid based on the auction element." The step of "providing, by a potential bidder through an auction intermediary server, reference information for locating an article or a service offered for bidding" is neither taught nor suggested by Wellman.

Wellman does not mention a potential bidder providing reference information for locating an article or service offered for bidding. FIG. 2 of Wellman is a *seller* input screen; see Wellman at col. 3, lines 9-11. In FIG. 3 of Wellman, which is a buyer input screen, a buyer "may specify a set of exclusive multi-attribute *bids*" (Wellman, col. 5, lines 42-49; emphasis added), not provide reference information for locating an article or service offered for bidding. Wellman further provides that the input screen 300 represents a "set of bids." (Wellman, col. 6,

lines 19-23.) Again, the information provided is a multi-attribute bid (Wellman, col. 6, lines 2-6), nor reference information for locating an article or service as in amended claim 1.

Therefore, claim 1 is allowable. Amended claims 2, 8, and 9 depend from claim 1 and are therefore also now allowable. The rejections of claims 2, 8, and 9 are traversed but not expressly argued herein in view of the allowability of the underlying base claim.

### Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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